

EXHIBIT A

FILED

Case Number 2023LA000515

Date: 3/30/2023 4:59 PM

Thomas McRae

Clerk of Circuit Court

Third Judicial Circuit, Madison County Illinois

**IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS**

CHERYL KESSLER,)		
)		
Plaintiff,)		
)	Case No	2023LA000515
v.)		
)	Division	
BONZAI EXPRESS OF ST. LOUIS D/B/A)		
CRAZY BOWLS AND WRAPS,)		
Serve:)		
Keith Kitsis, Registered Agent)		
6679 Edwardsville Crossing Drive)		
Edwardsville, Illinois 62025)		
)		
Defendant.)		

COMPLAINT

COMES NOW Plaintiff Cheryl Kessler, by and through the undersigned counsel, and for her claims for relief against Defendant Bonzai Express of St. Louis d/b/a Crazy Bowls and Wraps, states, alleges and avers as follows:

PARTIES AND JURISDICTION

1. At all relevant times, Plaintiff Cheryl Kessler (herein "Plaintiff") was and is an individual and resident of Granite City, Madison County, Illinois.

2. At all relevant times, Defendant Bonzai Express of St. Louis d/b/a Crazy Bowls and Wraps (herein "Defendant") was and is an Illinois corporation registered to do business in the State of Illinois that owned and operated a Restaurant located at 6679 Edwardsville Crossing Drive, Edwardsville, Illinois 62025 (the "Premises").

3. This Court has personal jurisdiction over Defendant in this matter pursuant to Section 735 ILCS 5/2-209 of the Illinois Compiled Statutes.

4. This Court has subject matter jurisdiction in this matter.

5. Venue is proper per Section 735 ILCS 5/2-101 of the Illinois Compiled Statutes.

FACTS COMMON TO ALL COUNTS

6. On January 20, 2022, Plaintiff was an invitee at the Crazy Bowls and Wraps store located at 6679 Edwardsville Crossing Dr, Edwardsville, IL 62025.

7. Plaintiff went to the drink station, located near the store's counter, to fill her drink cup.

8. While standing at the drink station, Plaintiff slipped on ice and/or liquid on the floor, causing her to fall.

9. As a result of her fall, Plaintiff suffered injury.

COUNT I – PREMISES LIABILITY

10. Plaintiff hereby incorporates by reference all preceding allegations of the Complaint as if fully set forth herein.

11. At all relevant times herein, Defendant was the owner, operator, and/or property manager of the Premises, and/or maintained possession, control and/or maintenance of the Premises where the Incident occurred.

12. Defendant owed a duty to exercise reasonable care to ensure that the Premises were in a reasonably safe and suitable condition for invitees, including Plaintiff.

13. At the time of the event described herein, the area where Plaintiff suffered her injury constituted a dangerous condition that posed an unreasonable risk of harm to people on the property.

14. Defendant knew or should have known through the exercise of reasonable care that the condition of the Premises at the date and time of the event described herein was unreasonably dangerous or that the condition posed a risk of harm to people on the property.

15. Alternatively, Defendant negligently created the dangerous condition or so caused

it to be created by negligently maintaining the Premises, such that Defendant was deemed to have had actual notice of said dangerous condition.

16. Because of the location and covert nature of the liquid and ice on the floor, Defendant could reasonably expect that people on the property would not discover or realize the danger or would fail to protect themselves against such danger.

17. Defendant breached its duty to Plaintiff when it failed to keep the Premises in a condition that was reasonably safe for Plaintiff and other invitees, and further by failing to remedy or adequately warn Plaintiff of said dangerous condition.

18. As a direct and proximate result of the aforesaid negligence of Defendant, Plaintiff suffered injuries including, but not limited to, a tibial plateau fracture, and has suffered and will continue to suffer damages including, but not limited to, those arising from:

- a. Past medical and hospital expenses;
- b. Future medical, hospital and life care expenses;
- c. Past lost wages;
- d. Diminished earning capacity;
- e. Past and future emotional distress;
- f. Pain and suffering;
- g. Mental anguish;
- h. Disfigurement; and
- i. Past and future loss of enjoyment of life.

19. All of Plaintiff's injuries, disabilities, infirmities and damages are permanent, painful, and progressive in nature and extent.

WHEREFORE, based on the foregoing, Plaintiff prays for a judgment against Defendant

in excess of \$50,000, Plaintiff's costs incurred herein and for such other and further relief as the Court deems just and proper.

Respectfully submitted,

DIPASQUALE MOORE, LLC

/s/ Steven W. Duke
STEVEN W. DUKE #6322490
900 Spruce Street, Suite 150
St. Louis, MO 63102
Phone: (314) 888-4444
Fax: (314) 899.2960
E-mail: steve.duke@dmlawusa.com

and

HIPSKIND & MCANINCH, LLC

/s/ Brady McAninch
BRADY MCANINCH #
5111 W. Main Street, Suite 100
Belleville, IL 62226
Phone: 618-641-9189
Fax: 618-551-2642
Email: brady@hm-attorneys.com

ATTORNEYS FOR PLAINTIFF

**IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS**

CHERYL KESSLER,)	
)	
Plaintiff,)	
)	Case No 2023LA000515
v.)	
)	Division
BONZAI EXPRESS OF ST. LOUIS D/B/A)	
CRAZY BOWLS AND WRAPS,)	
)	
Defendant.)	

AFFIDAVIT

This affidavit is made pursuant to Illinois Supreme Court Rule 222(b). Under the penalties of perjury, as provided by Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the money damages sought by the Plaintiff in this lawsuit exceed Fifty Thousand Dollars (\$50,000).

Respectfully Submitted,

DIPASQUALE MOORE, LLC

/s/ Steven W. Duke

STEVEN W. DUKE #6322490
900 Spruce Street, Suite 150
St. Louis, MO 63102
Phone: (314) 888-4444
Fax: (314) 899.2960
E-mail: steve.duke@dmlawusa.com

HIPSKIND & MCANINCH, LLC

/s/ Brady McAninch

BRADY MCANINCH #
5111 W. Main Street, Suite 100
Belleville, IL 62226
Phone: 618-641-9189
Fax: 618-551-2642
Email: brady@hm-attorneys.com

ATTORNEYS FOR PLAINTIFF